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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,415	02/01/2002	Johnny R. McElroy	23102	5082

7590 06/22/2004

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EXAMINER

BRAHAN, THOMAS J

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)	
10/066,415	MCELROY, JOHNNY R.	
Examiner	Art Unit	
Thomas J. Braham	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 29 March 2004.  
2a) This action is **FINAL**.                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1,2,4-16,18-28 and 30-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) 26-28 and 30-32 is/are allowed.  
6) Claim(s) 1,2,4-16 and 18-25 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 9-16, 18, 24 and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Campbell. Campbell shows a livestock transport comprising:

a loading floor (floor 12);

a cargo floor (partition 14) elevated above the loading floor;

a ramp assembly hinge (see the hinge in figure 7) attached proximate the cargo floor (14); and

a ramp assembly (flap 24) connected to the cargo floor (14) and configured for pivotal movement about the ramp assembly hinge from a substantially vertical raised position (note that both ramps 24 are vertical in figure 4) to a lowered position in closer proximity with the loading floor (shown in figures 1 and 7), the ramp assembly having a ramp floor (24) and a cleaning chute (30) angularly disposed to the ramp floor (at a right angle thereto).

When the ramp is in the raised position, the cleaning chute (30) is between a depending portion of the ramp and the hinge, as recited in claim 2. The angle between the ramp floor (24) and the cleaning chute (30) is ninety degrees, as the flat portion at the edge of ramp floor face forms part of the chute, as recited in claims 4 and 18. When considering claims 9 and 10, the partition (14) on the right side of figure 4 is a retractable divider curtain attached to the side walls of the trailer. The ramp floor has a ramp floor hinge between first and second ramp portions, see the two sets of hinges on the right side of figure 2, as recited in claims 10 and 23. Rails (26) support the ramps in the lowered positions, as recited in claims 12 and 24. One ramp, the flap 24 on the left in the drawing figures, is also supported by a support assembly, the other folding partition on the right side of the drawing figures, that is selectively deployed to a supporting position, as recited in claim 13. When considering claim 14, Campbell has one cargo portion (one partition 14), a loading portion (the ramp 33) and means (24) serving as an end gate to separate the cargo and loading portions. The ramp assembly (24) moves from a vertical position to a lower position in closer proximity to lower level (12), as recited in claim 15. The cleaning chute (30) is attached to the ramp hinge as recited in claim 16. The ramp (the flap 24 on the left in the drawing figures) is

supported by a support assembly (the other folding partition and the side rails) in the lowered position, as recited in claim 25.

4. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Peek. Campbell shows the basic claimed livestock transport, as discussed above, but varies from claims 5 and 19 by not having raised ridges on the ramp floor. Peek shows a similar loading ramp with ridges (21). It would have been obvious to one of ordinary skill in the art to modify the ramp of Campbell by providing its ramps with ridges, for better traction, as taught by Peek.

5. Claims 1, 2, 4, 9, 10, 15, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinchliff in view of Campbell. Hinchliff shows the basic claimed livestock vehicle having a loading ramp (28) that has a raised vertical position and a lowered ramp position. It varies from the claims by not having a cleaning chute in the ramp. Campbell shows a similar loading ramp with a cleaning chute (30) at its hinge. It would have been obvious to one of ordinary skill in the art to modify the ramp of Hinchliff by providing its hinge with a channel, for the exiting of water, as taught by Campbell.

6. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinchliff in view of Campbell, as applied above to claims 1 and 15, and further in view of Peek. Hinchliff, as modified, shows the basic claimed livestock transport, but varies from claims 5 and 19 by not having raised ridges on the ramp floor. Peek shows a similar loading ramp with ridges (21). It would have been obvious to one of ordinary skill in the art to modify the ramp of Hinchliff by providing its ramp with ridges, for better traction, as taught by Peek.

7. Claims 6-8 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinchliff in view of Campbell, as applied above to claims 1 and 15, and further in view of Zeuner et al (cited by applicant). Hinchliff, as modified, shows the basic claimed livestock vehicle, but varies from the claims by not having a remote controlled cylinder moving the ramp (28). Zeuner et al shows a similar ramp system with hydraulic cylinder actuators. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the livestock trailer of Hinchliff by using a cylinder to position the ramp (28), for ease of operating, as taught by Zeuner et al.

8. Claims 26-28 and 30-32 are allowable.

9. Applicant's remarks in the amendment filed March 29, 2004, have been considered, but are deemed moot in view of the above new rejections. The amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. An inquiry concerning this communication should be directed to Thomas J. Braham at telephone number (703) 308-2568. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (703) 308-3248. The fax number for all patent applications is (703) 872-9306.



Thomas J. Braham  
Primary Examiner  
Art Unit 3652